

Notice of Allowability

Application No.

10/679,237

Examiner

Steven M Marsh

Applicant(s)

BURKE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's communication filed on 03 October 2003.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 03 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

This is the first office action for U.S. Application 10/679,237 for an Adapter Clamp for Aerosol Can filed by Terrence R. Burke et al. on October 3, 2003.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laurie Woods on September 24, 2004.

The application has been amended as follows: Claim 4, line 2, a - - . - - has been inserted at the end of the sentence. Claim 6, line 1, the word - - the - - has been inserted between "wherein" and "toes". Claim 16, line 1, the word - - the - - has been inserted between "wherein" and "toes".

Allowable Subject Matter

Claims 1-19 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose an adapter clamp configured to be received on top of an aerosol can suitable for enabling a delivery system to be fitted on the top of the aerosol can, whereby the adapter clamp has the following: a pair of body members oriented in a side-by-side relationship, such that medial faces of the clamp

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members are in a facing relationship, with each of the members having an arcuate cutout in the medial face, whereby the arcuate cutouts combine to form an aperture through which the delivery system contacts the aerosol can; whereby each body member has an arcuate neck with a radially protruding toe extending from a bottom surface thereof in registration with the arcuate cutout and configured to be received in a recess in the top of the aerosol can; at least one connector slidably joining the body members, such that the members are adapted to move between a spread configuration, wherein the body members have a gap therebetween having a selected width and a compressed configuration, wherein the members substantially abut each other, and wherein the aperture has a circular shape when the body members are in the spread configuration for receiving an adapter of the delivery system; at least one spring member configured to push the body members apart thereby biasing the members to the spread configuration; and wherein when the body members are squeezed together to the compressed configuration against spring pressure, the toes can be inserted past a rim partially overhanging the recess in the aerosol can, and when the body members are returned to the spread configuration, the toes engage the overhanging rim to clamp the adapter clamp to the aerosol can. The prior art also fails to disclose the adapter clamp described above, in combination with an aerosol can and a delivery system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,632,352 to Stoll

U.S. Patent 4,648,388 to Steffee

U.S. Patent 6,618,905 B2 to Warashina et al.

U.S. Patent 5,860,728 to Maglica

U.S. Patent 5,184,911 to Wu

U.S. Patent 3,531,071 to Kubli

U.S. Patent 4,805,938 to Redmond et al.

U.S. Patent 4,446,987 to White

U.S. Patent 3,580,424 to Phillips

U.S. Patent 2,670,882 to Best

U.S. Patent 5,562,219 to de Pous et al.

The above patents all disclose aerosol cans and various adapter components with opposing arcuate faces.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven M. Marsh

September 24, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER